Reconsidering The President's Insult Scandal: A Constitutional Critique Of The New Criminal Code

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ABSTRAK
Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana (KUHP) hadir sebagai tonggak reformasi hukum pidana nasional yang telah lama dinantikan. Namun, keberadaan kembali pasal-pasal yang mengatur tentang delik penghinaan terhadap Presiden dan Wakil Presiden dalam KUHP baru menimbulkan kekhawatiran serius terhadap konsistensi sistem hukum Indonesia dengan prinsip-prinsip konstitusional. Salah satu sorotan utama adalah inkonsistensi terhadap Putusan Mahkamah Konstitusi Nomor 013-022/PUU-IV/2006 yang sebelumnya telah membatalkan pasal-pasal serupa karena dianggap melanggar hak atas kebebasan berekspresi dan asas persamaan di hadapan hukum. Artikel ini mengkaji ketentuan tersebut melalui pendekatan yuridis normatif dengan fokus pada asas *equality before the law* serta implikasinya terhadap hak konstitusional warga negara. Hasil penelitian menunjukkan bahwa delik khusus penghinaan terhadap presiden tidak hanya mengancam kebebasan menyampaikan pendapat, tetapi juga menciptakan ketimpangan perlakuan hukum yang berpotensi melanggengkan simbolisme kekuasaan yang tidak sesuai dengan sistem republik demokratis. Penegakan hukum terhadap penghinaan seharusnya dilakukan melalui ketentuan umum dalam KUHP yang berlaku bagi semua warga negara tanpa diskriminasi. Oleh karena itu, perlu adanya evaluasi dan harmonisasi norma dalam KUHP baru agar selaras dengan prinsip negara hukum yang menjunjung tinggi keadilan, persamaan hak, dan penghormatan terhadap hak asasi manusia.

Kata kunci : *Kesetaraan Hukum, Penghinaan Presiden, Hak Konstitusional*

ABSTRACT
Law Number 1 of 2023 concerning the Criminal Code (KUHP) is a milestone in the long-awaited national criminal law reform. However, the reintroduction of articles regulating the offense of violating the President and Vice President in the new Criminal Code raises serious concerns about the consistency of the Indonesian legal system with constitutional principles. One of the main highlights is the inconsistency with the Constitutional Court Decision Number 013-022/PUU-IV/2006, which previously removed similar articles because they were considered to be the right to freedom of expression and equality before the law. This article examines these provisions through a normative legal approach with a focus on the principle of equality before the law and strengthening it against the constitutional rights of citizens. The results of the study show that the special offense of insulting the president not only threatens freedom of expression but also creates inequality in legal treatment that has the potential to perpetuate the symbolism of power that is inconsistent with the democratic system of the republic. Law enforcement against violations should be carried out through general provisions in the Criminal Code that apply to all citizens without discrimination. Therefore, there needs to be an evaluation and harmonization of the norms in the new Criminal Code so that they are in line with the principles of a state based on law that upholds justice, equal rights, and respect for human rights.

***Keywords*:** *Legal Equality, Presidential Insult, Constitutional Rights*

INTRODUCTION

The Criminal Code (KUHP) is the basis of national criminal law that was first enforced since the Dutch colonial period under the name *Wetboek van Strafrecht* (WvS), and became effective on January 1, 1918, based on Staatsblad of 1915 Number 732 (Arief et al., 2023). The Criminal Code was born from a colonial legal framework characterized by liberalism and individualism, and lasted for more than a century until it was finally comprehensively updated through Law Number 1 of 2023 concerning the Criminal Code, which was passed on December 6, 2022, and is planned to come into effect in 2025. The most fundamental difference between the old Criminal Code and the new Criminal Code lies in its regulatory structure, where the old Criminal Code consists of three books that distinguish between general rules, crimes, and violations, while the new Criminal Code contains only two books that divide material on general rules and criminal acts, as a form of simplification and alignment with the modern legal system (Malau, 2023).

Although it is present as a form of national criminal law reform, the new Criminal Code has reaped controversy because it revives several provisions that have been declared invalid by the Constitutional Court, such as articles on insults to the president and vice president. In this context, society questions the consistency between criminal law reform

and constitutional principles, especially related to the right to freedom of expression and equality before the law. Historically, the Constitutional Court, through Decision No. 013-022/PUU-IV/2006, has revoked Article 134, Article 136 bis, and Article 137 of the Criminal Code because it is considered contrary to the 1945 Constitution. The ruling stated that the articles violate the principle of a democratic state of law because they curtail freedom of opinion, ignore the principle of legal certainty, and create legal inequality between citizens and state officials.

Philosophically, the regulation of insults against the president and vice president does intersect with the debate about the boundary between freedom of expression and the protection of the dignity of public officials. In the legal dictionary, contempt is defined as an act that attacks a person's honor or good name, either verbally or in writing, to is known to the public. However, in Indonesia's legal system that upholds democracy and people's sovereignty, the separation between criticism of policies and attacks on the person of state officials must be proportionately affirmed. The case that befell Eggi Sudjana is a concrete example of how articles of contempt for the president can be used to silence political expression protected by the constitution. In that case, Eggi was accused of insulting the president just for providing clarification regarding the rumors to the media, even though his original intention was to seek the truth through legal institutions. (Nandini & Hadi, 2004).

In its ruling, the Constitutional Court affirmed that the protection of the president and vice president as individuals cannot be justified specifically outside of generally applicable provisions, such as Articles 310 to 321 of the Criminal Code regarding insults to fellow citizens, or Article 207 of the Criminal Code regarding insults to public officials. Therefore, the special provisions of insults against the president and vice president are considered excessive and irrelevant in a democracy that upholds equality before the law and civil liberties. This is also affirmed by Mardjono Reksodiputro, who is of the view that there is no need for special legal treatment of the president, because the republic should not place individual presidents in a symbolic position like the king in a monarchical system.

The criticism of the article on insulting the president in the new Criminal Code is also based on the principle of justice as formulated by Aristotle, namely that justice must be realized in the form of equal treatment of everyone. In this context, the arrangement that gives special legal treatment to the president and vice president is not in line with Article 27, Paragraph (1) of the 1945 Constitution, which guarantees the equality of every citizen before the law. The dignity of the president should certainly be respected institutionally through state protocols, but it should not be interpreted as a basis for granting legal privileges that lead to discriminatory treatment of the people as the highest sovereign holders. In this case, granting *legal privileges to the president and vice president based on their position is substantially contrary to the principles of the rule of law and the principles of democracy.*

Although the academic text of the Criminal Code Bill states that the regulation of contempt of the president is motivated by the protection of universal values such as human *dignity*, this cannot be used as a justification to create legal norms that are inconsistent with constitutional principles. Insults to public officials, if they occur, should be dealt with through a general article in the Criminal Code that regulates insults, without having to create a special category that opens up space for the criminalization of criticism. Therefore, the implementation of the article on insulting the president and vice president in the new Criminal Code should be seriously criticized because it risks undermining the constitutional guarantee of freedom of expression of opinion and equality before the law.

The Constitutional Court, as the constitutional guardian institution, has determined that its decision is final and binding, as affirmed in Article 10 Paragraph (1) of Law Number 8 of 2011. The Constitutional Court's decision has permanent legal force since it was pronounced, and there is no further legal remedy. This is by the principle *of res judicata pro veritate habetur,* which states that every judge's decision must be considered correct and valid (Indra et al., 2023). Thus, all state institutions are obliged to submit to and respect the content of the Constitutional Court's decision, including in this case the lawmakers who should no longer include provisions that have been declared to be contrary to the 1945 Constitution. The return of the article on presidential contempt in the new Criminal Code not only contradicts the principle of finality of the Constitutional Court's decision, but also shows inconsistency in the spirit of national criminal law reform. For this reason, to maintain the integrity of the constitution and ensure respect for human rights, the regulation on the offense of insulting the president and vice president must be subject to the universal principle of legal equality and must not be applied discriminatory manner.

Based on the description above, the background of this research is: (1) How is the principle of equality before the law tested through the enactment of the article on contempt of the President and Vice President in the Indonesian

legal system? and (2) What is the ideal design for the enforcement of contempt offenses in Indonesian criminal law so as not to injure the principles of freedom of expression and legal justice?

RESEARCH METHODS

The type of research used in this study is normative legal research, which is a type of research that focuses on the study of literature and the study of applicable legal principles and norms. (Amiruddin & Asikin, 2012). This study specifically examines the application of the principle of *equality before the law* in the context of articles of insult to the president and vice president as stipulated in laws and regulations in Indonesia. In its implementation, the normative juridical approach is the main approach, which is based on the conception of legal positivism. This view views law as a set of written norms established and enforced by legitimate authorities, and places it as a closed and autonomous system of social dynamics. Therefore, the analysis in this study departs from the applicable positive legal provisions by tracing laws and regulations, concrete cases, and the possibility of long-term influence of the norms studied.

Within the framework of this approach, there are several analytical strategies used. The first is the legislative approach used to examine the relationship and consistency between various legal regulations, including the conformity between laws and the 1945 Constitution. This strategy is very important considering that the norm of insulting the president and vice president that was revived in the new Criminal Code has a track record of having been canceled by the Constitutional Court because it is contrary to the constitution. Furthermore, a case approach is also used, which explores the basics of legal considerations from jurisprudence, especially in judicial review cases at the Constitutional Court, such as in the Constitutional Court Decision Number 013-022/PUU-IV/2006, which is a crucial point in the discourse of justice and equality before the law. This approach focuses on the analysis of how judges interpret legal norms and their impact on the protection of citizens' constitutional rights.

In addition, the futuristic approach is an important framework in assessing new Criminal Code articles. This approach prioritizes anticipatory analysis of social, technological, and legal developments that can influence the implementation of norms in the future. In this regard, attention is directed to the impact of information technology advances, especially digital media that accelerate the spread of public expression, as well as the challenges that may arise in balancing the protection of state institutions with freedom of expression. The futuristic approach also includes heuristic thinking that places judges' creativity in interpreting norms progressively as part of the search for substantive justice, and considering constitutional precedents to uphold future human rights protections. In addition, a comparative approach is also used that examines legal practices in countries with civil law traditions such as the Netherlands, France, and Germany, to obtain a comparative perspective on how other legal systems balance between freedom of expression and protection of state symbols.

The sources of legal materials in this study are grouped into three main categories. Primary legal materials include legal norms that have binding power, such as the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, the old Criminal Code, and relevant Constitutional Court decisions, especially Decision Number 013-022/PUU-IV/2006 which canceled the articles of contempt of the president in the colonial Criminal Code. In addition, the principle of *equality before the law* as a constitutional principle is the main reference. Secondary legal materials are used to provide explanations, interpretations, and theoretical deepening of these legal norms. This material is in the form of scientific literature, academic texts of the Criminal Code Bill, legal theories such as criminalization theory, individualism theory, and strafing theory, as well as academic journals that discuss similar issues. The tertiary legal materials include legal dictionaries, Indonesian dictionaries, and general information sources that support the understanding of terminology and conceptual context in legal discussions.

The collection of legal materials is carried out through literature research or *library research*, by examining various literature, legal documents, and relevant digital references. This method was chosen because it is in line with the characteristics of normative research that relies on analysis of legal norms and doctrines. The data obtained from primary, secondary, and tertiary legal materials were then analyzed qualitatively-descriptively. This analysis technique aims to interpret the applicable legal provisions and evaluate their implications for the legal issues discussed, especially in the context of equality before the law and freedom of opinion. All legal data are systematically analyzed to formulate normative conclusions based on the compatibility between positive law, constitutional principles, and justice values.

The results of this analysis are presented in the form of structured discussion chapters to answer the formulation of the problem and support the arguments in the research.

RESULTS AND DISCUSSION

1. The Principle of Equality *Before The Law* in the Case of Contempt of the President and Vice President

The principle of equality before *the law* is one of the fundamental principles that is the main foothold in the modern legal system, including in the Indonesian national legal system (Fathullah et al., 2025). This principle requires that every individual must be treated fairly and equally regardless of their social, economic, political, or public status background. Constitutionally, this principle is expressly regulated in Article 27, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that all citizens have an equal position in law and government without exception. (Nggilu et al., 2024). This provision not only shows a normative commitment to the principle of justice, but also emphasizes that the state must not provide discriminatory legal treatment, including to the president and vice president.

In practice, the principle of legal equality is implemented in various laws and regulations and institutional mechanisms. Law Number 48 of 2009 concerning Judicial Power emphasizes the need for a free, fair, and impartial judiciary in resolving legal disputes, including cases involving public officials. (Abdussamad et al., 2024). Komnas HAM, as a state institution authorized in the protection of human rights, also actively monitors that this principle remains a reference in legal actions against vulnerable groups such as persons with disabilities, who are explicitly protected in Law Number 8 of 2016 (Abdussamad et al., 2023). However, in practice, the implementation of this principle faces serious challenges, especially in terms of inequality of access to justice, legal uncertainty, and legal practices that are still affected by social and political pressures.

Within the framework of a democratic state of law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution, the state is obliged to guarantee that all its citizens have the same degree and dignity. This is in line with the opinion of Wirjono Prodjodikoro, who stated that the purpose of criminal law is not only to have a deterrent effect, but also to foster perpetrators to become better individuals in society. Therefore, the existence of criminal law must be a tool to prevent crime as well as an educational means that prioritizes human values and justice. (Fernando, 2022).

In the context of national criminal law, especially regarding articles of contempt for the president and vice president, the principle of equality before the law is under normative tension. In the old Criminal Code, the provisions stipulated in Articles 134, 136 bis, and 137 were considered contrary to this principle, until finally the Constitutional Court, through Decision Number 013-022/PUU-IV/2006, stated that these articles did not have binding legal force. (Fernando, 2022). This ruling emphasizes that the enactment of these articles threatens freedom of expression and is contrary to the principle of justice. Therefore, the Court stated that insults against the president should be treated the same as insults against ordinary citizens, through the general provisions in Article 310 of the Criminal Code.

However, the new Criminal Code, passed through Law Number 1 of 2023, revives similar norms with different formulations, which are regulated in Articles 217 to 220. In particular, Article 218 paragraph (1) contains criminal threats against every citizen who publicly attacks the dignity and dignity of the president or vice president. This formulation has attracted controversy because it is considered contrary to the principle of equality before the law, considering that the president and vice president, as public officials, should not receive preferential legal treatment compared to ordinary people. Furthermore, this provision no longer includes the element of intentionality as stipulated in the old Criminal Code, so that the scope of contempt becomes wider and has the potential to be abused to silence legitimate criticism.

The new academic text of the Criminal Code tries to provide a normative justification for the re-emergence of the article on insult against the president and vice president. His argument is based on the protection of basic values in the form of universal and non-negotiable human dignity. From a criminal law perspective, insult is seen as a despicable act that is intrinsically wrong (*mala in se*) and therefore deserves to be criminalized. However, the application of these values must not override the fundamental principle of legal equality. In a democratic legal system, public office is not an entity immune from law, and criticism of state officials is part of the control mechanism guaranteed by the constitution.

Within the framework of the comparative legal system, legal protection for public officials such as the president generally remains within certain limits that do not threaten freedom of expression. Countries with *civil law systems*, such as the Netherlands and Germany, have shown that criticism of state officials is part of legitimate political freedom, as long as it does not violate ethical and reasonable legal limits. Thus, efforts to reintroduce the article on presidential contempt in the new Criminal Code should consider international standards that guarantee freedom of opinion and the principle of non-discrimination. (Suhariyanto et al., 2023).

Critical views from legal experts such as Mardjono Reksodiputro emphasized that in a republic, the interests of the state should not be personified to individual presidents as is customary in the monarchy system. Therefore, the existence of articles specifically contempt of the president is not only irrelevant, but also has the potential to hinder the expression of citizens and create inequality in legal treatment. Criticism and protest against state policies are a form of political participation in a democratic country, and should not be criminalized as a form of insult.

Thus, the principle of equality before the law should be the main benchmark in assessing the applicability of articles of contempt for the president and vice president. Although public officials have strategic responsibilities and roles in government, they remain subjects of law that should not be placed exclusively within the framework of legal treatment. The new Criminal Code should prioritize the principle of equality and avoid the imposition of norms that create inequality. Law enforcement against the crime of contempt must be carried out by prioritizing evidence, objectivity, and protection of the constitutional rights of every citizen, as guaranteed in the 1945 Constitution and affirmed in various decisions of the Constitutional Court. Therefore, the implementation of the article on presidential contempt in the new Criminal Code needs to be reviewed in line with the spirit of justice, democracy, and constitutionality that is the basis of Indonesia's legal state.

2. Enforcement of the Ideal Contempt Delik in the Indonesian Criminal Law System

The Constitutional Court Decision No. 013-022/PUU-IV/2006 has brought significant changes in the criminal law system in Indonesia, especially related to the provisions of contempt of the President and Vice President. In its decision, the Court stated that Article 134, Article 136 bis, and Article 137 of the Criminal Code (KUHP) no longer have legally binding force. The ruling was based on the consideration that the norms create legal uncertainty because they have the potential to be multi-interpreted and can be used to silence constitutionally guaranteed freedom of expression. Within the framework of a democratic state of law, the freedom to express opinions, whether orally, in writing, or writing, is an essential part of human rights that must be protected and respected.

The views of two criminal law experts presented at the trial, namely Mardjono Reksodiputro and J.E. Sahetapy, also strengthened the Court's decision. Mardjono emphasized that there is no need to create a special offense of insult against the President or Vice President because there are general provisions in Articles 310 to 321 of the Criminal Code that can be used if there are acts that degrade the dignity of a person, including public officials. He also emphasized that in a republican system like Indonesia, the president cannot be equated with the king, who is a symbol of the state in the monarchy system. Therefore, legal protection of the President should not be symbolic but substantive, and should not go beyond the rights of ordinary citizens. (Rohmah, 2023).

Meanwhile, Sahetapy highlighted Article V of Law Number 1 of 1946, which became a touchstone for the enactment of colonial criminal law articles in the context of an independent state. According to him, these articles have lost their relevance and are contrary to the spirit of independence and the principles of a democratic state. He stated that regulations that cannot be implemented or no longer have meaning in the context of an independent state should be considered invalid. Therefore, the preservation of articles of contempt for the President will only revive the spirit of feudalism, which is not to the values of democracy and people's sovereignty. (Saputro & Anwar, 2023).

However, even though the Court has declared the invalidity of these articles, in the new Criminal Code passed through Law Number 1 of 2023, the provisions on insulting the President and Vice President are again included. This has led to quite sharp academic and political debates. Some parties, such as academician Zulfirman from the Islamic University of North Sumatra, support the existence of the article because the President, as the Head of State and Head of Government, needs legal protection so that his dignity is not used as an object of attack by irresponsible parties. In his view, the President is a representation of state sovereignty, so that his protection is part of maintaining government stability.

However, this opinion was refuted by several other circles, such as the Deputy Chairman of Commission III of the House of Representatives, Desmond J. Mahesa, who emphasized that the President is not a symbol of the state as it applies in the royal system. Law Number 24 of 2009 has clearly stated that Garuda Pancasila is the only symbol of the Indonesian state. Therefore, the protection afforded to the President should not be based on the assumption of symbolism, but on his functional position in the system of government. In the presidential system, the president is the executor of the people's mandate, who must be open to criticism, not a person who must be culted (Amer et al., 2024).

The Constitutional Court's decision also states that the application of the article of contempt of the President can be an obstacle to the mechanism for clarification of the President's actions that are considered deviant. This is especially seen in the context of Article 7A of the 1945 Constitution, which regulates the dismissal of the President if proven to have violated the law. In this context, criticism of the President should be considered part of legitimate public control, not a criminal act. Therefore, according to the Court, it is sufficient to use Article 310 of the Criminal Code, which regulates contempt in general, to handle similar cases.

Juridically, the offense of contempt can be interpreted as any form of attack on a person's honor or good name. In the Criminal Code, this offense is explicitly regulated in Article 310 and related articles. However, in the digital era, insult regulations are also regulated in Article 27 paragraph (3) of the ITE Law, which provides a heavier criminal threat. In the context of insulting the President, this provision was originally regulated in Article 134, Article 136 bis, and Article 137 of the Criminal Code. But then the Constitutional Court removed it because it was considered irrelevant and contrary to constitutional rights.

The interpretation of the term "insult" in the context of Indonesian law also still raises debate due to the unclear definition. Cleiren stated that insult occurs when a person is attacked in his honor, verbally or in writing. However, these standards are highly dependent on changing societal norms. (Agustina et al., 2024). Therefore, the use of vague terms such as "attacking dignity and dignity" in the new Criminal Code adds to legal uncertainty. Mardjono suggested that the interpretation of the offense of insult against the President should use an approach consistent with the articles of general contempt (Articles 310-321 of the Criminal Code), so that there would be no expansion of meaning that exceeded the limits of reasonableness.

In addition, the main challenge in enforcing insult offenses is the potential for criminalization of legitimate criticism, especially in the political context. In a democratic society, criticism of the ruler is an integral part of political dynamics and civil liberties. However, the provisions that are too broad can be used by law enforcement officials to ensnare citizens who express their opinions critically. In the new Criminal Code, the increase in criminal threats without clear criteria for what is meant by "attacking the dignity of the President" actually worsens the situation and opens up space for abuse of power.

Normatively, the formulation of the insult article in the new Criminal Code does not differ substantially from the old Criminal Code. The difference lies in the redaction and terminology used. However, in terms of materiality, both of them still regulate actions that attack the president's honor with criminal sanctions. The Constitutional Court has affirmed that such arrangements are disproportionate and contrary to the principle of freedom of expression. Therefore, the rearrangement of insult offenses in the new Criminal Code should be a serious evaluation material in the national criminal law reform process.

The ideal law enforcement against insults against the President and Vice President must be based on the principles of justice, legal certainty, and the protection of human rights. The clarity of the criminal element is an absolute requirement so that there are no irregularities in its enforcement. Subjective elements such as intent (mens rea) must be carefully proven, and the act must have a real impact on the victim. Thus, criminal law is not used as a tool to silence dissent, but as a means to uphold substantive justice.

In addition, an approach that prioritizes restorative justice can be a more humane alternative in resolving insult cases. Criminal sanctions should not be the first option, but should be used in situations that are truly extreme and significantly detrimental. Within this framework, the state must also provide space for constructive criticism, because criticism is part of the collective learning process in a democratic society. Harmonization between the Criminal Code and the ITE Law is also important so that there is no disparity in the application of legal sanctions, especially in cases of insults committed through electronic media.

Finally, the enforcement of insults against the President and Vice President must be a reflection of the maturity of Indonesian democracy. The law should not be used to privilege power, but should be an instrument to guarantee the equality of every citizen before the law. By upholding the principle of equality before the law, Indonesia's legal system will be stronger in protecting the rights of citizens and encouraging the creation of a government that is transparent, accountable, and open to criticism.

CONCLUSION

The principle *of equality before the law* is the main foundation in the Indonesian legal system that guarantees the equality of every citizen without exception, including the President and Vice President. The provision of special insults against the President in the new Criminal Code, although claimed to be a form of protection for the dignity of state officials, has the potential to harm the principle of equality. The return of articles that have been declared unconstitutional by the Constitutional Court not only raises questions about the consistency of lawmakers regarding final and binding constitutional rulings, but also shows a regressive tendency in the protection of freedom of expression that should be the hallmark of a democratic country.

Ideal law enforcement against insults against the President and Vice President should not lead to the criminalization of legitimate criticism or dissent. Instead, the approach used should uphold substantive justice, legal certainty, and human rights protection by providing clear limits on the elements of delinquency and strengthening the mechanism of proof of intent (mens rea). The state should encourage a more educational and restorative resolution than repressive ones, as well as ensure that the new Criminal Code goes hand in hand with constitutional principles that guarantee citizens' right to express their opinions freely and equally. Thus, the criminal law does not become a tool of protection of power, but rather an instrument to uphold true democracy and justice.

REFERENCE

Abdussamad, Z., Muhtar, M. H., & Mustapa, M. I. (2024). Historical Evolution of Indonesia's Legal System (Transformations Across Different Eras). *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, *23*(3), 1–15. https://doi.org/10.31941/pj.v23i3.5188

Abdussamad, Z., Triningsih, A., Muhtar, M. H., Lubis, A. F., Widjajanti, W. W., & Agus, D. (2023). Knitting Legislative Meaning: A Review of Disability Education Policy in the Law on the National Education System and Disabilities. *Pena Justisia: Media Komunikasi Dan Kajian Hukum*, *22*(3), 355–373. https://doi.org/10.31941/pj.v22i3.3830

Agustina, E., Irvita, M., Saharuddin, S., Rahim, E. I., & Muhtar, M. H. (2024). Finding a new direction for Indonesian democracy: Analysis of limitations of the president's powers in the amendments to the constitution. *LEGAL BRIEF*, *13*(1), Article 1. https://doi.org/10.35335/legal.v13i1.929

Amer, N., Lubis, A. F., Muhtar, M. H., Saija, V. J. E., Putri, V. S., & Setiawan, B. (2024). Implications of the constitution for political neutrality in the dynamics of law and democracy. *Journal de Facto*, *10*(2), 283–302.

Amiruddin & Asikin, Z. (2012). *Pengantar metode penelitian hukum*. Raja Grafindo Persada.

Arief, S., Muhtar, M. H., & Saragih, G. M. (2023). Upaya pembelaan diri dalam perspektif persamaan di hadapan hukum. *Jurnal Yudisial*, *16*(1), 25–47.

Fathullah, F., Muhtar, M. H., Yustiana, Y., Saharuddin, S., & Syahbana, R. A. (2025). Constitutional Court's Role in Regional Head Election Disputes: Substantive Justice and Voting Threshold Challenges. *JURNAL LEGALITAS*, *18*(1), Article 1. https://doi.org/10.33756/jelta.v18i1.30680

Fernando, Z. J. (2022). TELAAH PASAL PENGHINAAN TERHADAP PRESIDEN DAN WAKIL PRESIDEN DI INDONESIA (STUDY ON THE ARTICLE CONCERNING CONTEMPT AGAINST PRESIDENT ANS VICE PRESIDENT IN INDONESIA). *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, *11*(1), 135–151. https://doi.org/10.33331/rechtsvinding.v11i1.826

Indra, M., Saragih, G. M., & Muhtar, M. H. (2023). Strength of Constitutional Court Decisions in Judicial Review of the 1945 Constitution in Indonesia: Kekuatan Putusan Mahkamah Konstitusi dalam Pengujian Undang-Undang terhadap Undang-Undang Dasar 1945 di Indonesia. *Jurnal Konstitusi*, *20*(2), 279–299.

Malau, P. (2023). Tinjauan Kitab Undang-Undang Hukum Pidana (KUHP) Baru 2023. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, *5*(1), Article 1. https://doi.org/10.37680/almanhaj.v5i1.2815

Nandini, N. M. L. A., & Hadi, S. (2004). PERBANDINGAN PENGATURAN DELIK PENGHINAAN TERHADAP PRESIDEN DAN/ATAU WAKIL PRESIDEN DI INDONESIA DAN NEGARA PRANCIS. *COURT*

REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916), *4*(04), Article 04. https://doi.org/10.69957/cr.v4i04.1571

Nggilu, N. M., Ahmad, A., Rivaldi Moha, M., Apripari, A., Muhtar, M. H., Nggilu, N. M., Ahmad, A., Rivaldi Moha, M., Apripari, A., & Muhtar, M. H. (2024). Tribunal Constitucional abusivo: La displasia y el poder destructivo de las decisiones del Tribunal Constitucional. *Estudios constitucionales*, *22*(2), 69–99. https://doi.org/10.4067/S0718-52002024000200069

Rohmah, E. I. (2023). Pasal Penghinaan Presiden dalam Bingkai Negara Demokrasi. *Al-Jinayah : Jurnal Hukum Pidana Islam*, *9*(1), Article 1. https://doi.org/10.15642/aj.2023.9.1.28-56

Saputro, L. A., & Anwar, A. S. (2023). Menyoal Pasal Penghinaan Presiden dalam KUHP: Antara Proporsionalitas Prinsip Primus Inter Pares atau Kemunduran Demokrasi. *WICARANA*, *2*(1), Article 1. https://doi.org/10.57123/wicarana.v2i1.32

Suhariyanto, D., Muhtar, M. H., Lubis, A. F., Abqa, M. A. R., Maranjaya, A. K., Mulyadi, D., Rohman, M. M., Amalia, M., Tanesab, J., Junaidi, J., & Abas, M. (2023). *POLITIK HUKUM PEMILU*. PT. Sonpedia Publishing Indonesia.